

JUN 01 2022

IN THE UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF VIRGINIA
 DANVILLE DIVISION

JULIA C. DUDLEY, CLERK
 BY: s/ H. McDONALD
 DEPUTY CLERK

MELVIN CLARK, <i>et al.</i> ,)	
)	
Plaintiffs,)	Civil Action No. 4:20-cv-00063
)	
v.)	<u>ORDER</u>
)	
STANLEY FURNITURE COMPANY,)	By: Hon. Thomas T. Cullen
LLC, <i>et al.</i> ,)	United States District Judge
)	
Defendants.)	

On October 14, 2021, the court granted Plaintiffs’ motion for summary judgment and referred this case to Magistrate Judge Robert S. Ballou “for proceedings to calculate the deferred compensation currently owed to Plaintiffs based on the grant of summary judgment” (Order, Oct. 14, 2021 [ECF No. 125].) On May 17, 2022, Magistrate Judge Robert S. Ballou issued his Report and Recommendation (“R&R”) in this matter, calculating the remaining amounts owed to each Plaintiff by each Defendant. (R&R at 1–4, 6–8 [ECF No. 130].) It also resolved a dispute between the parties over whether Plaintiffs were entitled to compound interest or simple interest by recommending awards of compound interest. (*Id.* at 4–8.) Judge Ballou reminded the parties that, under 28 U.S.C. § 636, they were each entitled to object to his conclusions. (*Id.* at 7–8.) This statutory deadline to file objections has passed, and none of the parties has filed an objection.

The court has independently reviewed the R&R and **ADOPTS** its findings and conclusion. The court hereby **ORDERS** damages to the parties and in the amounts set forth therein. Consistent with the R&R, Defendant Stanley Furniture shall pay prejudgment interest

on the delinquent payments compounded annually from the date each delinquent deferred compensation payment came due, less any amounts paid in 2019 and 2020. Defendant Stone & Leigh shall pay prejudgment interest compounded annually on the delinquent deferred compensation payments from the date due through September 22, 2021, less the simple interest on such amounts already paid.

The parties are further **ORDERED** to submit a joint notice to the court by Friday June 10, 2022, identifying any unresolved claims, counterclaims, and crossclaims that remain pending in this case. (*See* ECF No. 52.) That joint notice should also indicate the parties' preferences on whether the court should strike this case from this active docket, set any remaining claims for trial, or consider an alternative way to proceed with this case.

The clerk is directed to forward a copy of this Order to all counsel of record.

ENTERED this 1st day of June, 2022.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE